

deficit, more than \$9 trillion in new debt over the next decade, and a projected debt-to-GDP ratio of over 300 percent by 2050, we have to make sure we are doing this job right. That is what we are trying to do in the Senate Finance Committee. When we get finished, however long it takes, I hope we can send a deficit-neutral health care reform bill to President Obama that increases access, cuts costs, and puts us on a fiscally sustainable path for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### SOTOMAYOR NOMINATION

Mr. CHAMBLISS. Mr. President, I rise this evening to speak on the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court.

We all know elections have consequences. Because of this, I have tried to give deference to the various nominees submitted by President Obama. I have not voted for all of his nominees, but I have voted for some even though I did not necessarily believe they were the best people he might have nominated.

The case of a nominee to the Supreme Court is unique. This is not a Cabinet member who will rotate out or leave at the end of the President's term. Supreme Court Justices are there for life and decide cases that will affect present and future generations of Americans.

With this in mind, I have reviewed opinions written or concurred in by Judge Sotomayor, reviewed speeches and writings of Judge Sotomayor, talked with lawyers who practice in New York, lawyers who have tried or argued cases before Judge Sotomayor, and others who know her by reputation, and also listened to and reviewed testimony before the Judiciary Committee in her confirmation proceeding. In addition, I spent the better part of an hour in a one-on-one conversation with the judge. Certainly, she has all the education and judicial background to be confirmed as a Supreme Court Justice. Her judicial temperament is not in question. Some lawyers felt she was not qualified for the Supreme Court, and others felt she is.

Judge Sotomayor has a very compelling personal story, and being Hispanic and being female and being nominated to the U.S. Supreme Court adds more credibility to that saga of living the American dream. As Americans, we should be proud she has been nominated. But the role of the Senate is to give the President advice and consent, and we are required to go beyond the personal side of the nominee.

After reviewing the information I have collected over and over again, I have concluded that I cannot support Judge Sotomayor's nomination. My reasoning is as follows:

First, lawyers nominated to the Supreme Court should be in a class by themselves.

My only experience as a Member of the Senate with this process is with the confirmations of Chief Justice Roberts and Justice Alito. Clearly, they are lawyers who are in a premier class. Lawyers with whom I spoke who know Judge Sotomayor do not put her in that category. Even those who say she should be confirmed do so in a less than enthusiastic way.

Second, I am a strong supporter of the second amendment, and I am concerned about the reasoning of Judge Sotomayor in cases where she has considered this issue.

In *DC v. Heller*, the Supreme Court left unanswered the issue of application of the second amendment to the States. This issue is likely to be decided by the Supreme Court in the next year or so. As a member of the Second Circuit, Judge Sotomayor ruled in the negative on this issue in the *Maloney* case without an explanation, simply citing an old Supreme Court case that is not really directly on point and is certainly outdated. This is too important an issue to give it no more than a cursory review.

Third, I am concerned about the apparent leaning of Judge Sotomayor to use foreign law to interpret U.S. laws and our Constitution.

In her April 28, 2009, speech to the Puerto Rican ACLU, Judge Sotomayor said that while foreign law should not be used as a precedent, she stated it should be "considered." My question is, Why? Judge Sotomayor's answer in that same speech to that question was to align herself with Justice Ginsburg, who supports the use of foreign law and recently stated that "foreign opinions . . . can add to the story of knowledge relevant to the solution of a question." Judge Sotomayor went on to say that unless American courts are more open to ideas in foreign cases, "we are going to lose influence in the world." From an American jurisprudence standpoint, that line of thinking is certainly scary to me.

Lastly, the highly publicized *Ricci* case is very puzzling. A per curiam opinion is unusual for such a complex and precedent-setting case. No analysis for the decision is very troubling to the lawyer in me.

In my conversation with Judge Sotomayor, she stated that the Second Circuit panel was simply following precedent and if the Supreme Court reversed the Second Circuit opinion, it would be establishing a new precedent. The Supreme Court, of course, did reverse the Second Circuit and clearly stated that no precedent was being followed by the lower court.

Judge Sotomayor did not adequately explain what precedent she was talking about and, in fact, did not answer this question when directly asked the question by Senator KYL at her confirmation hearing. Being less than forthcoming in every respect is very disturbing.

Mr. President, for all of the above reasons, I will cast a "no" vote on the confirmation of Judge Sotomayor next week.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I inquire, we are in morning business, am I correct?

The PRESIDING OFFICER. The Senator is correct, but we have 10-minute grants.

Mr. DODD. I appreciate that.

#### HEALTH CARE REFORM

Mr. DODD. Mr. President, what I have done every day over the last week or so is to take the floor to talk about health care, and I do so again this evening, with a note of some sadness. I have just been told there has now been a statement issued that there will be no markup of the Finance Committee bill next week on health care. I know Senator BAUCUS has worked hard at that. I know other members of that committee, in that effort, have been working to try to reach some understanding in all of that. I regret we will now leave here, I gather, next week, at the conclusion of the nomination process for Judge Sotomayor, for a month-long recess to our respective States, or whatever other obligations our colleagues may have. So I am saddened by that.

Let me try to find a good note in all of this—there are five congressional committees between the House of Representatives, the other body, and ourselves that have some jurisdiction over the health care debate. Three of those committees reside in the other body, the House of Representatives; that is, the Energy and Commerce Committee, the Education and Labor Committee, and the Ways and Means Committee. I am told that by tomorrow those three committees will have completed their jobs. They will have reported out a bill. There are two committees in the U.S. Senate with jurisdiction. Jurisdiction over some of the most major components of health care resides in the committee chaired by our colleague from Massachusetts, Senator KENNEDY, who is not with us, as most Americans know, because of his ongoing battle today with brain cancer. In his absence, I have been asked to act as the acting chair of that committee. Two weeks and 2 days ago, we completed our work in that committee. So the only committee remaining to do some work is the Finance Committee. So of the five committees, four, by the end of business tomorrow, will have completed their jobs.

That does not mean the work is completed. Obviously, a lot of work remains in melding these bills together to try to come up with answers to the thorny questions that remain on how we structure the health care system in our Nation to go from a sick care system, which it is today, to truly a